



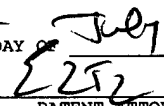
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	<b>James D. Yurko</b>	
Serial	:	<b>10/729,649</b>	
Filing Date	:	<b>December 5, 2003</b>	Art Unit: <b>3653</b>
For	:	<b>GATE ASSEMBLY FOR DEIVERTING ARTICLES AND THE LIKE</b>	Examiner: <b>J. Rodriguez</b>
Docket No.	:	<b>Y001.PAT-2</b>	

**DECLARATION OF PRIOR INVENTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER  
IS BEING SENT BY U.S. MAIL, FIRST  
CLASS, TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450,

THIS  
26<sup>th</sup> DAY of July, 2006.  
  
PATENT ATTORNEY

Dear Sir:

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to January 24, 2003, that is the effective date of the Ramonowski, Publication No. U.S. 2004/0144697 A1, that was cited by the Examiner.
2. The person making this declaration is the inventor.
3. To establish the date of completion of the invention of this application, the attached sketches are submitted as evidence. From these documents, it can be seen that the invention in this application was made at least by the date of January 1, 2003, which is a date earlier than the effective date of the reference.
4. Attached is a statement establishing the diligence of the applicant, from the time of his conception, to a time just prior to the date of the reference, up to the filing of this application.
5. This Declaration is submitted prior to final rejection.
6. As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5. Full name of sole inventor: James D. Yurko

Inventor's signature: James D. Yurko

Date: 7-24-06

Residence: Erie, Colorado Country of Citizenship: United States

Post Office Address: 2618 Payne Court, Erie, Colorado 80516

Respectfully submitted,

JAMES D. YURKO

By: E.L. Tracy

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**STATEMENT**

Commissioner for Patents  
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Alexandria, Virginia 22313-1450

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ALEXANDRIA, VIRGINIA 22313-1450,

THIS  
26<sup>th</sup> DAY OF July, 2006.  
  
PATENT ATTORNEY

Dear Sir:

1. The conception of the present invention was at least as early as January 1, 2003, which is a date prior to January 24, 2003, that is the effective date of the Ramonowski, Publication No. U.S. 2004/0144697 A1.
2. Between January 1, 2003, and December 5, 2003, Applicant started the procedures for filing a patent application by retaining a registered patent attorney, instructing the patent attorney to write a patent application, reviewing several drafts of the application, approving the final draft of the application, and instructing the patent attorney to file the application. From January 1, 2003, and December 5, 2003, less than one (1) year had elapsed. Applicant believes that this amount of time is not unreasonable and shows due diligence from prior to the effective date of the Ramonowski patent application to the filing of the present patent application.
3. Attached hereto are two (2) sheets of drawings.
4. As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5. Full name of sole inventor: James D. Yurko

Inventor's signature: James D. Yurko

Date: 7-24-06

Residence: Erie, Colorado Country of Citizenship: United States

Post Office Address: 2618 Payne Court, Erie, Colorado 80516

Respectfully submitted,

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